Single Bench

Page No. 1

(4)

CF 1007

IN THE HIGH COURT OF CHHATTISGARH

AT BILASPUR

W. P. (S) No. 4533 **/2006**

PETITIONER : Dev Sharan Tandiya,
S/o Late Shri Bhagirathi Tandiya,
aged about 63 years,
Retired Lecturer, Tribal Department,
Government Boys Higher Secondary
School, Keshkal, District – Bastar,
(C.G.).

P.R. No. 4582/06
Presented by Shri Bhoopendra Singh
dated 21/8/06

VERSUS

RESPONDENTS :

1. State of Chhattistarh,
Through : The Secretary, Tribal
Development Department, D.K.S.
Bhawan, Raipur, (C.G.).
2. The Commissioner, Schedule Tribe
and Schedule Caste Development,
Chhattisgarh, Raipur, (C.G.).
3. The Assistant Commissioner, Tribal
Development, Jagdalpur, District –
Bastar, (C.G.)
4. The Principal, Government Boys
Higher Secondary School, Keshkal,
District – Bastar, (C.G.)
5. The Divisional joint Director, fund,
Account and pension, Bastar at
Jagdalpur Distt. Bastar, C.G.
6. The District Treasury officer,
Jagdalpur Distt. Bastar, C.G.

RECEIVED-COPY
21/8/06
CLERK to A. G. BILASPUR

COMMISSIONER
PARNA
AKVIVA
25/8/06
Chhattisgarh

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

XI-HC-78

(22)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक WP.No.4533 **सन्** 2006

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	29-8-2006 Shri Subhash Yadav, counsel for the petitioner. Shri Vinay Pandey, P.L. for the State/respondents, on advance copy. Heard. The case of the petitioner is that the petitioner was promoted from the post of Head Master to the Lecturer vide order dated 20th September, 1994 passed by the Commissioner, Tribal Development, Madhya Pradesh and the petitioner joined on the said post on 20th October, 94. By giving the benefit of Rule 22-D of the Fundamental Rules and by giving the benefit of 2 increments the petitioner'spay was fixed at Rs.1640-60-2600-75-2900 and Sanction was issued by respondent No.1 vide Annexure-P/1. Now, after retirement of the petitioner, respondent No.5 after scrutinizing the matter has ordered for recovery of Rs.60,918/-, which is totally illegal. Learned counsel for the petitioner submitted that the said recovery has been effected without giving any notice to the petitioner asking him to explain or without giving any opportunity to explain the position. Therefore, in the circumstances, learned counsel for the petitioner submitted that the petitioner may be allowed to make a representation to respondent No.5 and he be directed to decide thesame, to which learned counsel forrespondents has no objection. Having heard learned counsel for the parties, having regard tothe facts and circumstances of the case and without expressing any opinion on the merits of the case, the petitioner is allowed to make a detailed representation along with a copy of this writ petition & its annexures to	

P.T.O.

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(23)

मामला क्रमांक ..... सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	respondent No.5 within a period of 15 days from today, raising all his grievances and in turn, respondent No.5 shall ~~xxxxx~~ decide the representation of the petitioner after considering all the points raised by the petitioner, after giving opportunity of hearing to the petitioner, within a period of 2 months from the date of receipt of the representation, in accordance with law. Till then, the effect and operation of the order Annexure P/2 shall remain stayed. With the direction aforesaid, the petition stands disposed of. Consequently, M.(W.)P. No.3503/2006 also stands disposed of. C.C. as per Rules.	Sd/- L.C. Bhadoo Judge

Bapuel